

COLLINS, VELLA & CASELLO, LLC
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Attorneys for Debtor
Joseph M. Casello, Esq.



Order Filed on July 10, 2019
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
District of New Jersey

In re:	:	Chapter 13 Case No. 18-11152
	:	
Dane Richards, Sr.,	:	Judge: Honorable Christine M. Gravelle, U.S.B.J.
	:	
Debtor	:	Hearing Date: July 3, 2019 at 9:00 a.m.
	:	
	:	

ORDER AUTHORIZING SALE OF REAL PROPERTY PURSUANT
TO 11 U.S.C. §363(b) & (f)

DATED: July 10, 2019

A handwritten signature in cursive script, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Page 2

Debtor: Dane Richards, Sr.

Case No.: 18-11152

Caption of Order: Order Authorizing the Sale of Real Property Pursuant to [11 U.S.C. §363\(b\)](#) & [\(f\)](#)

Upon consideration of the Motion of the Debtor-in-Possession for an Order Authorizing the Sale of Real Property Pursuant to [11 U.S.C. §363\(b\)](#) & [\(f\)](#) and adequate notice of the proposed sale having been provided to all creditors and parties and interest and for good cause shown;

It is hereby **FOUND AND DETERMINED THAT:**

A. This Court has jurisdiction over the Sale Motion pursuant to [28 U.S.C. §157](#) and §1334 and this matter is a core proceeding under [28 U.S.C. §157\(b\)\(2\)\(A\)](#) and [\(N\)](#).

B. The statutory predicates for the relief sought in the Sale Motion pursuant to the Bankruptcy Code and the Bankruptcy Rules have been satisfied.

C. The Debtor is the owner of the real property located at 112 Broad Street, Eatontown, New Jersey (“Subject Property”) to be transferred.

D. On April 25, 2019, Jackie Matsas executed a contract with Dane Richards, Sr. and Christine Richards to purchase the Subject Property for \$240,000.00.

E. The Subject Property was marketed by a broker prior to the signing of the contract and the Debtor maintains the sale is an arms-length transaction.

F. A reasonable opportunity to object and be heard has been afforded to all creditors and parties in interest, and any objections have been resolved upon the terms placed on the record before the Court.

G. Good and sufficient cause for the sale of the Subject Property has been articulated by the Debtor and relief sought in the motion is in the best interests of the Debtor and creditors of the estate.

Page 3

Debtor: Dane Richards, Sr.

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H. The purchaser is a good faith purchaser as that term is defined in the bankruptcy code and as such is entitled to all of the protections afforded by section 363(m) of the bankruptcy code.

I. The purchaser has offered fair market value and this offer represents the highest and best offer for the Subject Property. Any claims arising under Section 363(n) of the bankruptcy code are hereby released, waived and discharged.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The finding of facts entered above and the conclusions of law stated herein shall constitute the Court's finding of facts and conclusions of law pursuant to bankruptcy rule 7052 made applicable to this proceeding pursuant to bankruptcy rule 9014. To the extent that any finding of facts shall later be determined to be a conclusion of law, it shall be so deemed, and to the extent that any conclusion shall be later to be determined to be a finding of fact, it shall be so deemed.

2. The sale motion is granted and approved in all respects.

3. The Debtor is hereby authorized and directed to execute and deliver and empowered to perform under and consummate and implement the sale including execution of any additional instruments and documents that purchaser reasonably deems necessary or appropriate to implement the sale, and to take all further actions as may be deemed reasonable necessary by the purchaser for the purpose of a signing, transferring, granting, conveying and conferring to the purchaser and to reduce to the possession of the purchaser of the Subject Property.

Page 4

Debtor: Dane Richards, Sr.

Case No.: 18-11152

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4. The transfer of the Subject Property to the purchaser pursuant to the sale order constitutes a legal, valid and effective transfer of the Subject Property and shall vest the purchaser with all right, title and interest in the Subject Property free and clear of all liens, claims, interest and encumbrances of any kind or nature whatsoever.

5. Any and all persons or entities holding or asserting liens, claims or interest in to or against the acquired Subject Property or unto or against the Subject Property shall be forever barred from asserting such liens, claims or interests against the purchaser, its affiliates, successors and or assigns after the closing. Any liens, claims or encumbrances held by these parties shall become a lien against the sale proceeds which shall be distributed at the time of closing of title as follows:

(a) The Debtor shall be authorized to pay any and all municipal charges and fees against the Subject Property necessary to consummate the closing including redeeming any tax sale certificates or other municipal liens.

(b) The Debtor shall be further authorized to pay any the first mortgage holder, Wells Fargo Bank, real estate commissions to retained brokers and legal fees to special counsel in the amount of \$1,500.

(c) All net proceeds after payment of the items enumerated in Paragraph 5(a) and (b) shall be paid to Standing Chapter 13 Trustee. A copy of the closing disclosure shall be provided to the Standing Chapter 13 Trustee within 10 days of closing of title.

Page 5

Debtor: Dane Richards, Sr.

Case No.: 18-11152

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6. The Court waives the 14 day stay of this order as per Federal Rule of Bankruptcy Procedure 6004(g) so as to allow the closing to occur immediately upon the entry of this order.

7. The Seller shall not be required to pay the realty transfer fee in connection with the closing as the sale is by a Chapter 13 debtor with the rights of a Trustee in bankruptcy pursuant to a final order of a court of record.

8. The consideration offered by the purchaser for the Subject Property is fair and reasonable and may not be avoided under bankruptcy code §363(n). The fourteen day stay otherwise imposed by bankruptcy rule 6004(h) is hereby waived and this Order shall be effective immediately upon entry.

9. This Court retains sole jurisdiction over the sale, this Order and the transaction contemplated thereby. Any disputes arising or relating thereto shall be resolved by this Court.

Imaged Certificate of Notice Page 6 of 6

United States Bankruptcy Court
District of New JerseyIn re:
Dane Richards, Sr.
DebtorCase No. 18-11152-CMG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 12, 2019.

db #Dane Richards, Sr., 112 Broad Street, Eatontown, NJ 07724-1504

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 12, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 10, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Eamonn O'Hagan on behalf of Creditor United States of America (Internal Revenue Service)
 eamonn.ohagan@usdoj.gov
 Joseph Casello on behalf of Debtor Dane Richards, Sr. jcasello@cvclaw.net,
 jcasello627@gmail.com
 Nicholas V. Rogers on behalf of Creditor WELLS FARGO BANK, NA nj.bkecf@fedphe.com
 Rebecca Ann Solarz on behalf of Creditor M&T BANK rsolarz@kmlawgroup.com
 Robert Davidow on behalf of Creditor WELLS FARGO BANK, NA nj.bkecf@fedphe.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
 William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
 William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
 TOTAL: 10